

MICHAEL LEHNERS, ESQ.

Cust 7/28/09

429 Marsh Ave.

1 Reno, Nevada 89509

2 Nevada Bar Number 003331

3 (775) 786-1695

4 Attorney for Debtor/Plaintiff

5 UNITED STATES BANKRUPTCY COURT

6 DISTRICT OF NEVADA

7 oOo

9 IN RE

10 RONALD J. SMITH,
11 Debtor(s).

12 BK-N- 07-51659

CHAPTER 13

Hearing Date: _____

and Time: _____

Mtn No. _____

Est Time: 5 Minutes

MOTION TO MODIFY CONFIRMED
PLAN

14 COMES NOW Debtor, Ronald J. Smith, by and through his attorney,
 15 Michael Lehners, Esq., and files the following motion to modify his
 16 confirmed plan.

17 The Debtor's plan was confirmed on May 19, 2008. The plan
 18 provides to pay \$252.00 for the first 36 months, and then \$1,000.00 per
 19 month for the remaining 24 months. Since that time, the Debtor has
 20 settled the claims of Kevin Walsh and Wells Fargo. The amount
 21 necessary to complete the plan is \$311.00 per month starting in August
 22 of 2009. Please see the July 27, 2009 Memo from the Office of the
 23 Chapter Thirteen Trustee. A copy has been attached hereto as Exhibit
 24 "1". Accordingly, the Debtor wishes to modify his plan to commence
 25 making payments of \$311.00 starting with August of 2009 until all
 26 remaining allowed claims are paid in full.

27 28 11 U.S.C. §1329(a) provides:

At any time after confirmation of the plan but before the completion of payments under such plan, the plan may be modified, upon request of the debtor, the trustee, or the holder of an allowed unsecured claim, to--

- (1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;
- (2) extend or reduce the time for such payments;
- (3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim other than under the plan;

The Debtor's proposed modification falls within the scope of this section as it is altering the payment amount with respect to all claims, but it is not reducing the distribution to any of the creditors. Accordingly, the Debtor requests that this modification be approved.

Dated: This 27 day of July, 2009

By:


Michael Lehners, Esq.
429 Marsh Ave.
Reno, Nevada 89509
Nevada Bar Number 003331

Exhibit 1

Exhibit 1

**WILLIAM A. VAN METER
Standing Chapter 13 Trustee
United States Bankruptcy Court
District of Nevada**

(775) 324-2500
(775) 324-3313 - Fax

P.O. Box 6630
Reno, Nevada 89513

MEMO

Date: July 27, 2009

To: Michael Lehnert, Esq.

From: Bea Meyers

Re: Ronald Smith
BK-N-07-51659-GWZ

Based on my review of the above file it appears that a monthly payment of \$311.00 beginning August 2009 will be sufficient to pay all allowed claims in full.